

## **REMARKS**

Claims 1-10, 12-21, 23, 30-31, and 38-39 have been canceled. Claims 22, 24, 26, 28, 29, 32, 34, 37, 40, 42 have been amended to clarify the subject matter regarded as the invention. New Claim 47 has been added. Claims 11, 22, 24-29, 32-37, and 40-47 are pending.

### ***Claim Rejections – 35 U.S.C. §102(e)***

The Examiner has rejected Claims 11, 22, 24-29, 32-37, and 40-46 under 35 U.S.C. §102(e) as being anticipated by Woolston (U.S. Pat. No. 5,845,265). The Examiner has also rejected Claims 11, 22, 24-29, 32-37, and 40-46 under 35 U.S.C. §102(e) as being anticipated by Fisher (U.S. Pat. No. 6,243,691). The rejections are respectfully traversed.

As amended, independent Claims 22, 28, and 36 recite receiving, from a user, a specification of a market phase which is defined “by one or more user selectable trading primitives that dictate the behavior of one or more components in a programmable auction server.” At least one of the primitives “pertains to an aspect of an auction that is different from a reserve price and is different from a start time and is different from an end time.”

Woolston does not disclose the receipt or use of a protocol such as is recited in independent Claims 22, 28, and 36, and those independent claims are therefore believed to be allowable over Woolston.

Fisher also does not disclose the receipt or use of a protocol such as is recited in independent Claims 22, 28, and 36, and those independent claims are therefore believed to be allowable over Fisher.

Claims 11, 24-27, 29, 32-35, 37, and 40-47 depend, either directly or indirectly from one of the aforementioned claims and therefore also believed to be allowable.

The foregoing amendments are not to be taken as an admission of unpatentability of any of the claims prior to the amendments.

Reconsideration of the application and allowance of all claims are respectfully requested based on the preceding remarks. If at any time the Examiner believes that an interview would be helpful, please contact the undersigned.

Respectfully submitted,

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/Robyn Wagner/  
Robyn Wagner  
Registration No. 50,575  
V 408-973-2596  
F 408-973-2595

VAN PELT, YI & JAMES LLP  
10050 N. Foothill Blvd., Suite 200  
Cupertino, CA 95014